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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK

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4 NELSON QUINTANILLA, ALEJANDRO AMAYA,  
5 ALEX AMIR AREVALO, MAYNOR FAJARDO,  
6 WALTER GARCIA, JOSE L. MARTINEZ, PRACELIS  
7 MENDEZ, OSMAR W. PAGOADA, JAVIER QUINTANILLA,  
EDWIN RIVERA, CARLOS ESCALANTE, KEVIN  
GALEANO, LERLY NOE RODRIGUEZ, JOSE VEGA  
CASTILLO, JUAN QUINTEROS, and MARCUS TULIO  
PEREZ,

8 Plaintiffs,

9

10 -against- Case No:  
09-CV-5331

11 SUFFOLK PAVING CORP., SUFFOLK ASPHALT CORP.,  
12 LOUIS VECCHIA, CHRISTOPHER VECCHIA,  
HELENE VECCHIA, and JOHN DOES 1-5,

13 Defendants.

14 -----X

15 October 3, 2011  
10:15 a.m.

16 4875 Sunrise Highway  
17 Bohemia, New York

18 EXAMINATION BEFORE TRIAL of JAVIER  
19 QUINTANILLA, one of the Plaintiffs herein,  
20 taken by the Defendants, pursuant to Article  
21 31 of the Civil Practice Law and Rules of  
22 Testimony, and Notice and order, held at the  
23 above-mentioned time and place, before Karen  
24 LaMendola, a Professional Court Reporter and  
25 Notary Public of the State of New York.

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A P P E A R A N C E S:

LAW OFFICES OF LAUREN GOLDBERG, PLLC  
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(NOT PRESENT)

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BY: PATRICK E. McNAMARA, ESQ.

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ZABELL & ASSOCIATES, P.C.  
Attorneys for Defendants  
4875 Sunrise Highway  
Bohemia, New York 11716

BY: SAUL ZABELL, ESQ.

ALSO PRESENT:

Margarita Arias, Interpreter

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED  
by and between the attorneys for the  
respective parties herein, that filing,  
sealing and certification be and the same are  
hereby waived.

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the form of  
the question shall be reserved to the time of  
the trial.

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be signed and  
sworn to before any officer authorized to  
administer an oath, with the same force and  
effect as if signed and sworn to before the  
Court.

1

2 M A R G A R I T A A R I A S, the Spanish  
3 Interpreter herein, was duly sworn to  
4 interpret the questions from English  
5 into Spanish and the answers from  
6 Spanish into English to the best of  
7 her ability:

8 J A V I E R Q U I N T A N I L L A, the  
9 Witness herein, having been duly sworn  
10 through the Interpreter, was examined  
11 and testified as follows:

12 EXAMINATION BY

13 MR. ZABELL:

14 Q Would you please state your full  
15 name for the record.

16 A Javier Quintanilla.

17 Q What is your current address?

18 A 683 Jerusalem Avenue, Uniondale,  
19 New York 11553.

20 Q Good morning.

21 A Good morning.

22 Q Who are you?

23 A Javier.

24 Q Javier what?

25 A Quintanilla.

1 J. Quintanilla

2 Q Do you have any identification?

3 A Yes.

4 Q May I see it, please.

5 A (Hanging.)

6 MR. ZABELL: Thank you. I'm  
7 going to make a copy.

8 (Whereupon, a recess was taken  
9 from 10:16 a.m. to 10:18 a.m.)

10 MR. ZABELL: Thank you.  
11 (Hanging.)

12 (Document consisting of a copy  
13 of Mr. Quintanilla's driver's license  
14 was marked as Defendants' Exhibit  
15 Number 1 for identification, as of this  
16 date.)

17 Q I'm going to show you a document  
18 that's been identified as Defendants' Exhibit  
19 1 with today's date, and ask: Do you  
20 recognize that document? (Hanging.)

21 A (Perusing.) Yes, that's my  
22 license.

23 Q Is that you?

24 A Yes.

25 Q Are you sure?

1 J. Quintanilla

2 A Yes.

3 Q Thank you.

4 You understand that you're at a  
5 deposition today; do you not?

6 A Yes.

7 Q At this deposition, I'm going to  
8 be asking you questions.

9 Do you understand that?

10 A Yes.

11 Q You're required to provide  
12 answers to the questions I ask you.

13 Do you understand that?

14 A Yes.

15 Q If you do not understood a  
16 question I ask you, you have an obligation to  
17 advise me of that.

18 Do you understand?

19 A Yes.

20 Q If you provide an answer to a  
21 question I ask you, it will be assumed that  
22 you understood the question.

23 Do you understand that?

24 A If I understand it, I'll  
25 respond.

1 J. Quintanilla

2 Q Are you currently under the  
3 influence of my medication?

4 A Not now. Some time ago, yes.  
5 I'm taking medicine for my heart, because I  
6 have a heart problem.

7 Q You're not on that medication  
8 now?

9 A No, I haven't taken it now.

10 Q Why?

11 A I take it at night.

12 Q When was the last time you took  
13 it?

14 A Last night.

15 Q Do you know what that medication  
16 is?

17 A It's the one that the doctor  
18 gave me for the heart.

19 Q Do you know what the name of  
20 that medication is?

21 A He gives me two. One is called  
22 Diovan.

23 Q And the other one?

24 A The other one, I don't recall.

25 Q During a break, I'm going to ask

1 J. Quintanilla

2 you to find out the name of that medication  
3 and provide it to your attorney; okay?

4 A Okay.

5 Q Let me tell you why. When you  
6 testify, it's very important that you testify  
7 truthfully and accurately.

8 A Yes.

9 Q Any medications that interferes  
10 with your ability to testify accurately, I  
11 need to be made aware of them.

12 Do you understand that?

13 A No, I have no problem.

14 Q Sometimes you don't know if you  
15 have a problem, so that's why I'm asking for  
16 the name of that medication.

17 A I only know this one because  
18 it's the last.

19 Q Well, you'll tell us what  
20 medication you take.

21 A Okay. I'll find out.

22 Q Did you prepare for this  
23 deposition in any way before coming today?

24 A No, no one prepared me.

25 Q Did you meet with your attorney



1 J. Quintanilla

2 before today?

3 A About last week.

4 Q In preparation for this  
5 deposition; right?

6 A Yes.

7 Q So you did prepare for this  
8 deposition; correct?

9 A Yes.

10 Q That's exactly the type of lies  
11 I don't want you to tell me today.

12 MR. McNAMARA: Objection.

13 Q Do you understand that?

14 A Yes.

15 Q Would you like to apologize?

16 MR. McNAMARA: Objection.

17 A Okay, yes.

18 Q Your apology is accepted, but  
19 please don't lie to me again.

20 A No, I'm not lying.

21 Q Are you currently employed?

22 A Yes.

23 Q By whom are you currently  
24 employed?

25 A Lindley Brothers.

1 J. Quintanilla

2 MR. ZABELL: Let the record  
3 reflect that he's pulling out a pretty  
4 thick wallet.

5 Q What do you got there?

6 A This is the company  
7 (indicating).

8 MR. ZABELL: Let the record  
9 reflect that the deponent has provided  
10 a copy of a business card, and I'm  
11 going to go make a copy of that  
12 business card.

13 (Whereupon, a recess was taken  
14 from 10:24 a.m. to 10:43 a.m.)

15 (Document consisting of a copy  
16 of a business card was marked as  
17 Defendants' Exhibit Number 2 for  
18 identification, as of this date.)

19 Q I'm going to show you a document  
20 identified as Defendants' Exhibit 2 with  
21 today's date. (Handing.)

22 Do you know what that document  
23 is?

24 A Yes.

25 Q What is that document?

1 J. Quintanilla

2 A A company card.

3 Q Is that a copy of the business  
4 card of the company you're working for?

5 A Excuse me?

6 Q Is that a copy of the business  
7 card of the company you're working for?

8 A Yes.

9 Q How long have you been working  
10 for them?

11 A I don't remember exactly, but  
12 about four years.

13 Q For a long time?

14 A Yeah.

15 Q Do you recall when you started  
16 working for them?

17 A Not exactly.

18 Q Do you recall what year?

19 A About four years, four years,  
20 but I don't remember the exact year I  
21 started. Between 2008 and 2007.

22 Q Would you like a cookie?

23 A No.

24 Q Did you have breakfast today?

25 A Yes.

1 J. Quintanilla

2 Q Egg sandwich with mayonnaise?

3 A I don't like mayonnaise.

4 Q Do you eat an egg sandwich every  
5 day?

6 A Yes.

7 Q It's not good for your heart.

8 A Yes, it's not good.

9 Q What is your nation of origin?

10 A El Salvador.

11 Q When was the last time you went  
12 to El Salvador?

13 A Twelve years ago.

14 Q Do you miss it?

15 A Yes.

16 Q When did you come to the United  
17 States?

18 A 2009 -- '99, excuse me.

19 Q [REDACTED]

20 [REDACTED]

21 A [REDACTED] [REDACTED]

22 [REDACTED]

23 Q [REDACTED]

24 A [REDACTED]

25 Q [REDACTED]

1 J. Quintanilla

2 A [REDACTED].

3 Q Do you speak English?

4 A A little.

5 Q Understand egg sandwich?

6 A Yes, yes.

7 Q And you understand mayonnaise?

8 A Mayonnaise, hamburger. I

9 understand all of that, yes.

10 Q Do you understand cash?

11 A Yes.

12 Q Do you know that fellow next to

13 you?

14 A Yes.

15 Q What's his name?

16 A I don't know his name.

17 Q Do you know why he's here?

18 A No, not really.

19 Q Is he here to look pretty?

20 MR. ZABELL: Let the record

21 reflect that both Patrick and the

22 witness were laughing.

23 MR. McNAMARA: Let the record

24 reflect that Counselor was smiling as

25 he asked the question.

1 J. Quintanilla

2 MR. ZABELL: I always smile.

3 Q You have no idea who he is or  
4 why he's here?

5 A No.

6 Q Me neither.

7 MR. McNAMARA: Objection.

8 Q You know he's your attorney;  
9 correct?

10 A I just met him now.

11 Q You spoke to him before this  
12 deposition; correct?

13 A Yes, this morning, we greeted  
14 each other.

15 Q Did you review any documents  
16 with him? And remember when you lied to me  
17 before about meeting with your attorney in  
18 the City.

19 MR. McNAMARA: Objection.

20 A No, but I didn't understand what  
21 you were referring.

22 Q And you're comfortable with  
23 that; right?

24 A Not comfortable.

25 Q Remember what I told you. If

1 J. Quintanilla

2 you don't understand a question I ask you,  
3 you have to tell me.

4 A Okay.

5 Q If you provide an answer, it  
6 will be assumed you understood the question.

7 A Okay.

8 Q Right?

9 A Yes.

10 Q Was anybody present with you  
11 when you met with your attorney in the City?

12 MR. McNAMARA: Objection.

13 A No, me and -- just the two of  
14 us.

15 Q You remember that attorney's  
16 name?

17 A I only know that it's Lauren's  
18 office.

19 Q Did you meet with a man or  
20 woman?

21 A A man.

22 Q Did he speak English?

23 MR. McNAMARA: Objection.

24 A Yes. He speaks English and  
25 Spanish.

1 J. Quintanilla

2 Q Skinny guy, brown hair?

3 A Yes.

4 Q Spoke with a funny accent?

5 A Since I don't really understand  
6 the accent...

7 Q Did he have an accent?

8 MR. McNAMARA: Objection.

9 A I don't know because he speaks  
10 both languages.

11 Q Do you know if his name was Ian?

12 A I don't know his name.

13 Q Did you review any documents  
14 with Ian?

15 A No, no.

16 Q Is that the only time you've met  
17 with Ian?

18 A Yes.

19 Q Did you ever meet with Lauren?

20 A At the beginning.

21 Q Did you ever provide any  
22 documents to Lauren?

23 A No.

24 Q Did she ever ask you for any?

25 MR. McNAMARA: Objection.



1 J. Quintanilla

2 A No.

3 Q Do you know why you're here  
4 today?

5 A Yes.

6 Q Why are you here today?

7 A Because of the suit against  
8 Louie.

9 Q What lawsuit against Louie?

10 A For the work hours that they  
11 didn't pay us.

12 Q Who is the "they"?

13 A Louie, his wife, and his son.

14 Q You understand you swore to tell  
15 the truth today; do you not?

16 A Yes.

17 Q You understand that if you do  
18 not tell the truth, there are penalties;  
19 correct?

20 A Yes.

21 Q If you lie again at this  
22 deposition, you're subject to penalties as if  
23 you lied before a Judge in court.

24 Do you understand that?

25 MR. McNAMARA: Objection.

1 J. Quintanilla

2 A Yes.

3 Q So don't lie.

4 MR. McNAMARA: Objection.

5 Q Where do you live?

6 A In Uniondale.

7 Q Where in Uniondale?

8 A It's in Nassau.

9 Q Thank you. What's your street  
10 address?

11 A 683 Jerusalem Avenue, Uniondale,  
12 New York 11553.

13 Q Do you live alone, or do you  
14 live with somebody?

15 A No, with my woman and my  
16 children.

17 Q How many women do you have?

18 A One.

19 Q Truth?

20 A Yes.

21 Q Are you sure?

22 A Always. I've only had one.

23 Q What's your woman's name?

24 A Admuri.

25 THE INTERPRETER: I believe it's

1 J. Quintanilla

2 spelled A-D-M-U-R-I.

3 Q How many children do you have?

4 A Two.

5 Q Are those the only children you  
6 have?

7 A Here, yes.

8 Q Elsewhere, do you have other  
9 children?

10 A In El Salvador, yes, I have two,  
11 as well.

12 Q Is Admuri the mother of your two  
13 children here?

14 A Yes.

15 Q How old are they?

16 A One is seven and the other is  
17 five.

18 Q How old are your children in  
19 El Salvador?

20 A Thirteen and seventeen.

21 Q Do you provide for your children  
22 in El Salvador?

23 A My mother.

24 Q What about your mother?

25 A My mother?

1 J. Quintanilla

2 Q Your mother pays for your  
3 children in El Salvador?

4 A No, I do.

5 Q That's what I asked you.

6 A Oh.

7 Q How much do you provide for your  
8 children in El Salvador?

9 A I send them \$200 month.

10 Q Do you own your house or do you  
11 rent?

12 A No, I rent.

13 Q Does your woman work?

14 A Yes.

15 Q Where does she work?

16 A At the shopping mall in Garden City.

17 Q Where?

18 A Garden City. That's in Nassau.

19 I don't know the exact address of her job.

20 Q Do you know the store?

21 MR. McNAMARA: Objection.

22 A Crosby (phonetic), I don't  
23 really know the name. Abercrosby (phonetic).

24 Q Abercrombie?

25 A Something like that. I know how

1 J. Quintanilla

2 to get there.

3 Q Have a cookie.

4 A No, thank you.

5 Q How much do you pay a month in  
6 rent?

7 A I pay \$900.

8 Q Do your children go to school in  
9 the United States?

10 A Only the seven year old.

11 Q Not the five year old?

12 A No, he doesn't, because he's not  
13 old enough to go because it's different in  
14 Nassau. He has to be five, and his date of  
15 birth day is in February.

16 Q He's going to be five in  
17 February?

18 A Yes.

19 Q So he's four?

20 A We usually say it like that  
21 because --

22 Q And I'm going be eighty  
23 sometime.

24 A Yes.

25 Q How old are you?

1 J. Quintanilla

2 A Forty-one.

3 Q Is it safe to say you're going  
4 to be sixty someday?

5 A Maybe.

6 Q Why would you tell me you're  
7 going to be sixty; because you're going to be  
8 sixty?

9 A That's the way we're accustomed  
10 to say it. Because we're in the age at such  
11 and such until...

12 Q So because your son is going to  
13 be five in five months, you say he's five  
14 now?

15 MR. McNAMARA: Objection.

16 A Yes.

17 Q Really?

18 A Yes. That's our custom.

19 MR. ZABELL: Is that true?

20 THE INTERPRETER: I never heard  
21 of that.

22 Q Nice sneakers.

23 A Yes, thank you.

24 Q In 1999, where did you work?

25 A I worked in a factory.

1 J. Quintanilla

2 Q What factory?

3 A I don't remember the name.

4 Q Do you have a memory?

5 A Yes, but it's been some years.

6 Q Do you have a good memory or no?

7 A I don't think so.

8 Q Your memory is not so good?

9 A I don't think so.

10 Q Do you remember things that  
11 happened last year?

12 A Last year?

13 Q Si.

14 A What happened?

15 Q I'm asking you.

16 A I don't know. I don't know  
17 about anything that happened.

18 Q Where did you work in 2000?

19 A In 2000, I still worked there at  
20 that factory.

21 Q The same factory that you don't  
22 remember the name of?

23 A Yes.

24 Q How much did you earn when you  
25 worked there?

1 J. Quintanilla

2 A About \$6 per hour.

3 Q Where did you work in 2001?

4 A 2001? I don't remember where I  
5 worked. I don't recall.

6 Q Where did you work in 2002?

7 A 2002? 2001, 2002, I was in  
8 Maryland, I think --

9 Q Maryland?

10 A Yes.

11 Q What did you do in Maryland?

12 A I worked there for a few days.

13 Q Just a few days?

14 A Yes, about six or seven months.

15 Q Months or days?

16 A No, months.

17 Q What did you do down there?

18 A I worked in spackle.

19 Q Did you work anywhere else,  
20 other than Maryland in 2002?

21 A No.

22 Q Did you work anywhere else in  
23 New York in 2002?

24 A Yes, I returned to New York.

25 Q And where did you work?



1 J. Quintanilla

2 A And I started working with  
3 Louie.

4 Q For what company?

5 A For Suffolk Paving.

6 Q So you started working for  
7 Suffolk Paving in 2002?

8 A No, 2003.

9 Q Are you sure?

10 A Yes.

11 Q What did you do for Suffolk  
12 Paving in 2003?

13 A I say laborer, shoveling.

14 Q How much did you get paid  
15 in 2003 for all your hours worked?

16 A They would give me \$90 per day.

17 Q How much per hour did you get?

18 MR. McNAMARA: Objection.

19 A I don't know how much it was an  
20 hour.

21 Q You got paid in cash or check in  
22 2003?

23 A Check.

24 Q Every week you got a check;  
25 correct?

1 J. Quintanilla

2 A Yes, every week.

3 Q And those checks indicated the  
4 hours you worked on them; correct?

5 A Yes.

6 Q In 2004, where did you work?

7 A I worked in Pioneer, yes -- no,  
8 excuse me, I don't remember. 2002, 2003, I  
9 was still at Suffolk.

10 Q Are you sure?

11 A Yes, because I worked in Suffolk  
12 from 2003 to 2005.

13 Q What did you do for Suffolk  
14 Paving in 2004?

15 A I did the same thing.

16 Q How much were you paid in 2004?

17 A They had already given me an  
18 increase. He would give me \$110.

19 Q That's nice; right?

20 A Yes.

21 Q Did you get paid in check or  
22 cash?

23 A Check.

24 Q And your check indicated all the  
25 hours that you worked; correct?

1 J. Quintanilla

2 A Yes.

3 Q Now in 2005, where do you work?

4 A I still worked at Suffolk.

5 Q What did you do in 2005 at  
6 Suffolk Paving?

7 A The same thing I always did, the  
8 same thing.

9 Q Now, you worked at Suffolk Paving;  
10 right?

11 A Suffolk Paving, yes.

12 Q How much were you paid in 2005?

13 A He -- \$135 he gave me.

14 Q You got another raise; right?

15 A Yes, another raise.

16 Q That's was nice?

17 A Yes.

18 Q They were fair to you; correct?

19 A (No verbal response.)

20 Q Yes or no?

21 A Yes.

22 Q In 2005, did you get paid in  
23 cash or check?

24 A Check.

25 Q And your paycheck indicated all

1 J. Quintanilla

2 the hours that you worked; correct?

3 A Yes.

4 Q Now, in 2006, where did you  
5 work?

6 A In Pioneer.

7 Q Why did you leave Suffolk Paving?

8 A Because I asked him for a raise,  
9 and he didn't want to give it to me.

10 Q Were you angry at him?

11 A No.

12 Q Were you happy with him for not  
13 giving you a raise?

14 A If I asked him for a raise, and  
15 he didn't want to give it to me, and they  
16 were giving others...

17 Q So you voluntarily left  
18 Suffolk Paving and went to Pioneer in 2006?

19 A Yes.

20 Q What did you do for Pioneer?

21 A I would rake.

22 MR. ZABELL: I need a minute.

23 (Whereupon, a recess was from  
24 11:07 a.m. to 11:09 a.m.)

25 Q You were a raker for Pioneer;

1 J. Quintanilla

2 correct?

3 A Yes.

4 Q How much did they pay you per  
5 hour?

6 A I started with \$175.

7 Q A day, \$175 per day?

8 A Yes.

9 Q Did they pay you in cash or  
10 check?

11 A In a check.

12 Q And they paid you for all your  
13 hours; correct?

14 A Yes, Pioneer, yes.

15 Q Were all your hours indicated on  
16 your checks?

17 A Yes.

18 Q Just like at Suffolk Paving;  
19 right?

20 MR. McNAMARA: Objection.

21 A Yes.

22 Q Where did you work in 2007?

23 A I was already where I'm working  
24 now.

25 Q In 2007, you went to Lindley

1 J. Quintanilla

2 Brothers; correct?

3 A Yes.

4 Q What did you do at Lindley  
5 Brothers?

6 A I am a roller. I use the  
7 roller.

8 Q How much do you get paid in  
9 Lindley Brothers?

10 A He gives me \$18 an hour.

11 Q Does he pay you in cash or  
12 check?

13 A Check.

14 Q Made out to you; right?

15 A Yes.

16 Q Nobody else?

17 A No, only my name.

18 Q Do you get pay stubs from  
19 Lindley Brothers?

20 A Yes.

21 Q May I see those?

22 A Yes, they're in my car.

23 Q Great. We're going to take a  
24 break, and when we do, you can get those from  
25 your car; okay?

1 J. Quintanilla

2 A Okay.

3 Q Do you have pay stubs from  
4 Suffolk Paving?

5 A Yes.

6 Q Where are they?

7 A They're at home.

8 Q Oh, my God. Didn't you know you  
9 were supposed to bring those?

10 MR. McNAMARA: Counselor --

11 MR. ZABELL: Those pay stubs --  
12 it was typical discovery.

13 MR. McNAMARA: You don't need  
14 them right now. He can't go to  
15 Uniondale in forty minutes. It will be  
16 longer.

17 MR. ZABELL: I need to see the  
18 pay stubs.

19 Q When you started working for  
20 Suffolk Paving, did you provide them with a  
21 Social Security number?

22 MR. McNAMARA: Objection.

23 Q You may answer.

24 A (No verbal response.)

25 Q Yes or no?

1 J. Quintanilla

2 A Yes, when -- yes, in 2003. Yes,  
3 I had a Social Security number.

4 Q Was it a good Social Security  
5 number?

6 A Yes. It's mine, my Social  
7 Security number.

8 Q Who gave you that Social  
9 Security number?

10 A It's my Social Security. They  
11 give it to me when I applied for my permit.

12 Q Do you have a Social Security  
13 card?

14 A Yes.

15 Q May I see it?

16 A (Witness complies.)

17 MR. ZABELL: I'm going to make a  
18 copy of this; okay?

19 THE WITNESS: Okay.

20 (Whereupon, a recess was taken  
21 from 11:13 a.m. to 11:16 a.m.)

22 (Document consisting of a copy  
23 of Mr. Quintanilla's Social Security  
24 card was marked as Defendants' Exhibit  
25 Number 3 for identification, as of this



1 J. Quintanilla

2 date.)

3 Q I'm going to show you this  
4 document, sir. (Handing.)

5 Do you know what that is?

6 A Yes, that's my Social Security.

7 Q When did you get that?

8 A 2001, when -- yes, I think it  
9 was 2001 when they gave the TPS to the  
10 El Salvadorians.

11 Q Very good.

12 MR. ZABELL: He's a smart man.

13 Q The Social Security number that  
14 you have here on Exhibit 3, is that the only  
15 Social Security number you've ever used?

16 A Yes.

17 Q When you worked at Suffolk  
18 Paving, who was your boss?

19 A Mendez.

20 Q Mendez would tell you what to do  
21 and how to do it?

22 A Yes.

23 Q How would you get to work when  
24 you worked for Suffolk Paving?

25 A I would come to the yard, and

1 J. Quintanilla

2 from there, we would leave in the company  
3 cars.

4 Q How would you get to the yard?

5 A In my car.

6 Q Did you drive with anybody?

7 A No, I would come alone.

8 Q You drove all by yourself?

9 A Yes.

10 Q Could you have driven all the  
11 way to the job site?

12 A From my house to the yard.

13 Q Well, I know that's what you  
14 testified you did, but could you go from your  
15 house to the job site?

16 A No, we didn't have that  
17 authorization. We always had to go to the  
18 yard in the morning.

19 Q Who told you that?

20 A Mendez.

21 Q Mendez told you that?

22 A Yes, Mendez was --

23 Q Do you know if Mendez testified  
24 that sometimes he would go directly from his  
25 house to the job site?

1 J. Quintanilla

2 MR. McNAMARA: Objection.

3 A No, I don't know. I don't know  
4 if he said that. I don't speak with him.

5 Q Were you ever in a union?

6 A No. When I worked, they didn't  
7 have a union yet.

8 Q Your pay from Suffolk Paving,  
9 did they ever break your pay down by the  
10 hour?

11 A By the hour?

12 MR. McNAMARA: Objection.

13 A I don't check the stub. I can't  
14 read English.

15 Q So you never looked at your  
16 stub?

17 MR. McNAMARA: Objection.

18 A I would only take them and put  
19 them away.

20 Q Did you look at the paychecks  
21 that you got?

22 A Yes.

23 Q Do you know what company was  
24 issuing those paychecks to you?

25 A It's Suffolk Paving.

1 J. Quintanilla

2 Q And only Suffolk Paving;  
3 correct?

4 MR. McNAMARA: Objection.

5 A Yes.

6 MR. ZABELL: We're going to take  
7 a break. We have a conference call.

8 (Whereupon, a recess was taken  
9 from 11:32 a.m. to 2:13 p.m.)

10 Q You had a night trip, sir?

11 A Yes, thank you.

12 Q Before we left for break, you  
13 told me that you got paid for your work at  
14 Suffolk Paving; correct?

15 A Yes.

16 Q And that the owner of Suffolk  
17 Paving was Louis Vecchia; correct?

18 MR. McNAMARA: Objection.

19 A Yes.

20 Q Do you know if there were any  
21 other owners of Suffolk Paving?

22 MR. McNAMARA: Objection.

23 A When I was there, I only heard  
24 Louie's name, and since I left after...

25 Q So when you were there, the only

1 J. Quintanilla

2 person you knew to be the owner was  
3 Louis Vecchia; correct?

4 MR. McNAMARA: Objection.

5 A Yes.

6 Q Louie treated you pretty fairly;  
7 right?

8 A Yes.

9 Q You got a raise every year?

10 MR. McNAMARA: Objection.

11 A Yes, he gave me a raise three  
12 times.

13 Q And you worked there for three  
14 years; right?

15 A Yes.

16 Q It was hard work, but it was  
17 good work; right?

18 A Yes.

19 Q When you didn't work, did you  
20 collect unemployment benefits?

21 A Yes.

22 Q You worked during the paving  
23 season; correct?

24 A Yes.

25 Q What was the paving season?

1 J. Quintanilla

2 A We worked from sometimes in  
3 March, middle of March, and sometimes April,  
4 and sometimes we ended December 20th. It  
5 changed because if it wasn't very cold, we  
6 would continue.

7 Q When you stopped working, you  
8 collected unemployment benefits; correct?

9 A Yes.

10 Q You never collected unemployment  
11 benefits at the same time that you were  
12 working; right?

13 A No, no.

14 Q Do you remember any of the  
15 projects you worked on in 2005?

16 A No, I don't remember. There  
17 were so many.

18 Q Do you remember any of the  
19 project names?

20 A No, I don't recall.

21 Q Do you remember any of the  
22 project names that you worked on in 2004?

23 A No, because I didn't see the  
24 papers that they had, so the ones that were  
25 in charge had the papers.

1 J. Quintanilla

2 Q So you have no memory  
3 whatsoever?

4 A No, no.

5 Q You don't remember any of them;  
6 right?

7 A No.

8 Q You want a cookie?

9 A No, thank you.

10 Q When you would get to work in  
11 the morning, you would be at the shop for  
12 about five minutes and get your assignment  
13 and go; correct?

14 MR. McNAMARA: Objection.

15 A Yes. We would look for what we  
16 were going to use; cement, sand, Belgian  
17 blocks.

18 Q And you would be there for a few  
19 minutes and then go; right?

20 A Yes, yes, then we would leave.  
21 When we had everything ready, we would leave.

22 Q And then once you left, you'd go  
23 get breakfast; right?

24 A Yes. We would pass by, we would  
25 buy it, and we would leave.

1 J. Quintanilla

2 Q And you would all get egg  
3 sandwiches; right?

4 A Yes. Everyone ate the same  
5 thing.

6 Q Some of people said they ate egg  
7 sandwiches with mayonnaise.

8 A I never saw what they put on  
9 theirs. I would order mine. I would -- it  
10 really was the whole group. I would -- it  
11 was different because I was with Mendez only.  
12 It was on rare occasions that I was with  
13 everyone.

14 Q But Mendez would eat his egg  
15 sandwich; right?

16 A Once in a while. If not, only  
17 coffee.

18 Q But you had it every day; right?

19 A Yes.

20 Q How do you like your egg  
21 sandwich?

22 A Who, me? I like white egg --

23 Q Egg whites?

24 A -- with cheese, bacon, and  
25 ketchup.



1 J. Quintanilla

2 Q Salt and pepper?

3 A No.

4 Q What about sausage?

5 A Once in awhile. I like to vary  
6 it.

7 Q Did you ever see your coworkers  
8 play soccer on the job sites?

9 A When I went with them, there  
10 wasn't -- they never did it.

11 Q But did you ever hear that they  
12 did it?

13 A Yes, they did it, but it wasn't  
14 always, only when the machines would get  
15 damaged. They were waiting for the trucks  
16 with the material, but they already had  
17 everything totally ready. They were just  
18 waiting.

19 Q Did you ever see anybody get  
20 yelled at at work?

21 A Not when I was there. Like I  
22 said, I would only go with them on occasion.

23 Q And Louie treated everybody  
24 fairly; correct?

25 A Yes.

1 J. Quintanilla

2 Q Never had a problem with him;  
3 right?

4 A I never had a problem.

5 Q You always worked, and he always  
6 made sure you got paid; right?

7 A Yes.

8 Q Never treated you differently  
9 because you're Hispanic?

10 A No, never, no.

11 Q You got paid for your hours;  
12 right?

13 A Yes.

14 Q Did you ever get paid overtime  
15 when you worked at Suffolk Paving?

16 A No, no.

17 Q Truth?

18 MR. McNAMARA: Objection.

19 A Yes.

20 Q Some of the checks that you just  
21 brought show that you got paid overtime.  
22 They show that you got paid overtime.

23 MR. McNAMARA: Objection.

24 A We would start at 6:00 a.m.  
25 every day. We got out 5:30, 5:00, 5:30, 6:00

1 J. Quintanilla

2 we would get out.

3 Q From what time to what time  
4 would you actually be on the worksite, the  
5 job site?

6 A It depended. If a job was  
7 small, we would be there three hours, two  
8 hours, and we would go to another one.

9 Q What time would you get to the  
10 job site in the morning; 8:30?

11 MR. McNAMARA: Objection.

12 A It depended on where we were  
13 going, the distance. If it was nearby, we  
14 would be there 6:30, 7:00, and if it was far,  
15 8:00 a.m., 7:30.

16 Q What time would you leave the  
17 job site?

18 A Sometimes at 5:00. If he wanted  
19 the job to be finished, we would finish it,  
20 and when we couldn't finish it, at 5:00,  
21 5:30.

22 Q So 5:00 or 5:30; is that your  
23 testimony?

24 A Yes, with me with Mendez. The  
25 rest of them -- when I was with them, it was

1 J. Quintanilla

2 different because we were putting down  
3 asphalt. We would leave later. Sometimes  
4 6:00, 6:30.

5 Q And you'd start later too;  
6 right?

7 A Like I said, it depended on  
8 where we would go, the distance.

9 Q Did you ever keep track of all  
10 your hours?

11 A No, because Mendez did that. He  
12 was in charge of that. He was in charge of  
13 that.

14 Q And the paychecks you received  
15 showed that you were paid by the hour;  
16 correct?

17 A Yes, it's in the check. If we  
18 did forty-five, fifty hours, sometimes they  
19 would pay us forty, forty-two.

20 Q But you checked your pay stubs,  
21 and they were always accurate; correct?

22 MR. McNAMARA: Objection.

23 A Yes, I think so.

24 Q Yes, right? The stubs were  
25 always accurate; right?

1 J. Quintanilla

2 MR. McNAMARA: Objection.

3 A Yes.

4 Q You always got a stub every  
5 week?

6 A Yes, yes, every week.

7 Q And those stubs showed the hours  
8 that you worked; correct?

9 A That, I don't know, because  
10 Mendez would prepare the report and give it  
11 to Louis.

12 Q Did you ever do any side work?

13 A Who? On my behalf?

14 Q On anybody's behalf.

15 A I always worked.

16 Q You'd do work on the side on the  
17 weekends after hours with Mendez?

18 A For Louis?

19 Q No.

20 For Mendez?

21 A No, not for Mendez.

22 Q Mendez said you did.

23 MR. McNAMARA: Objection.

24 A Yes? I don't remember that.

25 Q A driveway for a friend on the

1 J. Quintanilla

2 weekend.

3 MR. McNAMARA: Objection.

4 A No, not that I recall. I don't  
5 remember. I would leave work, and he would  
6 go to his house, and I would go to mine.

7 Q You never worked with Mendez on  
8 the weekends?

9 A No.

10 Q Never?

11 A No.

12 Q You never worked on the  
13 weekends?

14 MR. McNAMARA: Objection.

15 A No.

16 Q Do you go to church?

17 A Once in awhile.

18 Q What do you do on the weekends?

19 A We buy food, do wash, and I help  
20 my daughter; I take her to the library.

21 Q You don't wash during the week?

22 MR. McNAMARA: Objection.

23 A No, we usually do it only on the  
24 weekends.

25 Q You only wash on the weekend?

1 J. Quintanilla

2 MR. McNAMARA: Objection.

3 A No, I bathe every day.

4 Q Okay.

5 A I take a bath every day.

6 Q But you do your laundry on the  
7 weekend?

8 A Yes, yes. I have enough to  
9 change myself -- to change my clothes.

10 Q So Saturday and Sunday is family  
11 time; right?

12 A Yes.

13 Q That's important. I agree.  
14 Sometimes Patrick makes me come in on the  
15 weekends and makes me work. It's not right.

16 A We only work five days at work.  
17 I'd like to work six days, but...

18 Q And everybody only worked five  
19 days a week at Suffolk Paving; right?

20 MR. McNAMARA: Objection.

21 A Sometimes they would go on  
22 Saturdays, but I hardly ever went on  
23 Saturdays.

24 Q Rarely; right?

25 A Yes. Because it was the ones

1 J. Quintanilla

2 that had the most seniority. Those are the  
3 ones that went on Saturdays.

4 Q That would be if there was rain  
5 during that week, that they would have to go  
6 in; right?

7 MR. McNAMARA: Objection.

8 A To work?

9 Q Yes. If it rained during the  
10 week, sometimes they would go make it up on  
11 the weekend; right?

12 A We didn't work when it rained.

13 Q Ever; right?

14 A No, we didn't work at all.

15 Q And usually, it would rain once  
16 or twice a week; right?

17 A It depended on the weather. If  
18 it's good, sometimes it would rain two days  
19 of the week, but it didn't always rain.

20 Q When it did rain, you just  
21 didn't work; right?

22 A No.

23 Q You had the day off?

24 A Yes.

25 Q Did that make some people upset?



1 J. Quintanilla

2 MR. McNAMARA: Objection.

3 A What can you do? What can you  
4 do? It's nature.

5 Q Did you ever work for Suffolk  
6 Asphalt?

7 A I was there, but I don't  
8 remember. It was -- like I said, Mendez was  
9 the one to get the papers, the report papers,  
10 and I never saw them. He would prepare the  
11 report. I would make sure that everything --  
12 that what we needed for work, we had.

13 Q So you never worked for  
14 Suffolk Asphalt?

15 MR. McNAMARA: Objection.

16 A I don't recall, I don't recall.

17 Q The only company that you worked  
18 for with Louis Vecchia was Suffolk Paving;  
19 correct?

20 MR. McNAMARA: Objection.

21 A Yes.

22 Q You don't know if Helene Vecchia  
23 is an owner of Suffolk Paving; do you?

24 MR. McNAMARA: Objection.

25 A I didn't know that.

1 J. Quintanilla

2 Q You don't know if Chris Vecchia  
3 is an owner of Suffolk Paving; do you?

4 A During the time that I was  
5 there, I didn't know that.

6 Q You don't know if he was or  
7 wasn't; right?

8 MR. McNAMARA: Objection.

9 A No, I don't know.

10 Q Who convinced you to sue Suffolk  
11 Paving?

12 A No one.

13 Q Somebody had to.

14 MR. McNAMARA: Objection.

15 A No one said to me to let's do  
16 this.

17 Q Nobody said that to you?

18 MR. McNAMARA: Objection.

19 A No.

20 Q Then how did you know to do it?

21 A Because we all work there.

22 Q Does your brother work there?

23 A Yes.

24 Q What's your brother's name?

25 A Nelson.

1 J. Quintanilla

2 Q So did Nelson talk you into  
3 doing this?

4 MR. McNAMARA: Objection.

5 A No, I don't speak with my  
6 brother. He lives here in Brentwood, and I  
7 live in Uniondale.

8 Q You don't speak to him at all?

9 A Rarely.

10 Q You don't like him?

11 MR. McNAMARA: Objection.

12 A Yeah, I do like him, but we  
13 don't have much communication.

14 Q Did he ever lie to you growing  
15 up?

16 A No. We've never lied to each  
17 other.

18 Q He never stole your ice cream?

19 MR. McNAMARA: Objection.

20 A No.

21 Q Is he your older brother or  
22 younger?

23 A He's younger.

24 Q So you helped raise him?

25 A The difference is small, only

1 J. Quintanilla

2 two years.

3 Q Did you ever beat him up?

4 MR. McNAMARA: Objection.

5 A Yes, but it was rare that we  
6 argued.

7 Q When you beat him up, did he  
8 deserve it?

9 MR. McNAMARA: Objection.

10 A Yes, because he was misbehaving.

11 Q He used to misbehave?

12 A Yes.

13 Q But he never lied, ever?

14 MR. McNAMARA: Objection.

15 A No.

16 Q Not even little white lies?

17 A No.

18 Q Did he ever lie to your mother?

19 A No, my mother is sacred.

20 Q Just to keep himself from  
21 getting in trouble?

22 MR. McNAMARA: Objection.

23 A No.

24 Q A little bit?

25 A No, I never lied to her.

1 J. Quintanilla

2 Q No, did he? You know he did.

3 A Oh, him? I don't know.

4 Q You know he lied a little bit;  
5 right?

6 MR. McNAMARA: Objection.

7 Q Right?

8 MR. McNAMARA: Objection.

9 A I don't know.

10 Q What about your father, did he  
11 ever lie to your father?

12 MR. McNAMARA: Objection.

13 A I never lied to my parents.

14 Q I'm asking about your brother.  
15 I like you. You, I believe.

16 A I don't know that. We  
17 sometimes -- if my father didn't like  
18 something, he wouldn't talk to us together.  
19 He would keep us separate, or if he did  
20 something, just the two of them were  
21 together, no one else was there, so I can't  
22 really say if he lied or not.

23 Q Do you ever think he lied?

24 MR. McNAMARA: Objection.

25 A I don't know.

1 J. Quintanilla

2 Q Not even a little bit?

3 MR. McNAMARA: Objection.

4 A I don't know.

5 Q You never lie?

6 A I can't say yes or no.

7 Q Did you ever lie to the woman  
8 you live with?

9 A No, I don't think I ever lied to  
10 her. We have communication. We get along  
11 well.

12 Q You never said you were working  
13 late when you were going out with your  
14 friends?

15 MR. McNAMARA: Objection.

16 A No, I hardly ever go out. I  
17 only go out with her.

18 Q You never told her she looked  
19 good when she didn't?

20 MR. McNAMARA: Objection.

21 A Excuse me?

22 Q You never told her she looked  
23 good when she really didn't?

24 A I don't remember having heard  
25 her say that.

1 J. Quintanilla

2 Q Did you ever tell her she's the  
3 most beautiful woman in the world?

4 MR. McNAMARA: Objection.

5 A Me to her?

6 Q Yes.

7 A Yes, I always tell her that.

8 Q Is she the most beautiful woman  
9 in the world?

10 MR. McNAMARA: Objection.

11 A Yes, I tell her because she's my  
12 woman. That's why I choose her for myself.

13 Q There are no women more  
14 beautiful than her?

15 MR. McNAMARA: Objection.

16 A Not the way I see them. She's  
17 the only one I see as beautiful.

18 Q I need to see a picture of this  
19 woman.

20 MR. McNAMARA: Objection.

21 A I don't have one.

22 Q I'm just teasing.

23 MR. McNAMARA: Objection.

24 Q I like you. I think you're the  
25 first person to come here who is really

1 J. Quintanilla

2 honest, and I appreciate that, but you have  
3 to be honest about absolutely everything;  
4 okay?

5 A Okay.

6 Q So just to be absolutely honest  
7 about everything, you never got cash payments  
8 at Suffolk Paving?

9 A No, I always received a check.

10 Q Mendez never gave you cash?

11 A No, Mendez never gave me money.

12 Q Never?

13 A No.

14 Q Each week you got a paycheck;  
15 correct?

16 A Yes.

17 Q That paycheck came with a pay  
18 stub; right?

19 A Yes.

20 Q Those pay stubs listed all the  
21 hours you worked on them; correct?

22 MR. McNAMARA: Objection.

23 Q You said yes before.

24 A Yes, it had all of them.

25 Q Were you paid correctly when you



1 J. Quintanilla

2 worked in Maryland doing spackle?

3 A Yes.

4 Q Where you paid correctly when  
5 you were at Pioneer?

6 A Yes.

7 Q Were you paid correctly when you  
8 worked at Lindley Brothers?

9 A Yes.

10 Q Lindley Brothers, did you ever  
11 make more than \$18 an hour?

12 A No, that's what I'm earning  
13 currently. Before I started -- when I  
14 started at the beginning, they gave me \$16.  
15 That's what I'm earning currently.

16 Q Did you ever do any prevailing  
17 wage work for Lindley Brothers?

18 A Yes.

19 Q And when you did prevailing wage  
20 work, they only paid you \$18 an hour?

21 A No, no, then they paid more.

22 Q They did pay more?

23 A Yes, but it was rare that I did  
24 those jobs. It's not permanent.

25 Q So you did get more than \$18 an

1 J. Quintanilla

2 hour?

3 A You didn't mention prevailing  
4 wage. You just said regular.

5 Q That's why I asked the question.  
6 I shouldn't have to mention prevailing wage.

7 Did you ever work on any  
8 prevailing wage jobs when you worked at  
9 Suffolk Paving?

10 A When I went with the asphalt  
11 group, yes.

12 Q And you got paid extra when you  
13 did that; right?

14 A Yes.

15 Q And sometimes you got paid  
16 overtime; correct?

17 A The overtime hours, sometimes  
18 two hours, and sometimes we would do more,  
19 and they would only give us two hours.

20 Q But you only got paid overtime  
21 at Suffolk Paving when you worked overtime;  
22 correct?

23 A When I worked overtime hours?

24 Q You got paid; correct?

25 MR. McNAMARA: Objection.

1 J. Quintanilla

2 A No. Because if we started at  
3 6:00 a.m., at 5:00, sometimes we got out at  
4 5:30, we were supposed to -- six, seven,  
5 eight, nine, ten, eleven, twelve -- we'd get  
6 out at 5:00, 5:30, and they didn't pay us for  
7 that.

8 Q Do you know you're only supposed  
9 to get overtime after forty hours a week --

10 MR. McNAMARA: Objection.

11 A Yes.

12 Q Or did you think it was after  
13 eight hours a day?

14 MR. McNAMARA: Objection.

15 A Excuse me?

16 Q Do you think you were supposed  
17 to get overtime after eight hours of work a  
18 day?

19 A Yes. If we worked them, then  
20 they would have to pay us.

21 Q Do you think you were supposed  
22 to get overtime after eight hours a day or  
23 forty hours a week?

24 MR. McNAMARA: Objection.

25 A We could have worked the forty

1 J. Quintanilla

2 hours, but he always wanted us to work more.

3 We would always do more than forty hours per

4 week.

5 Q What if it rained?

6 A Then that was different.

7 Q Right. And you said it would

8 rain regularly; correct?

9 A Not always.

10 Q But sometimes?

11 A Yes, sometimes.

12 Q And you never kept track of your

13 hours; correct?

14 A No.

15 Q Only Mendez did it; right?

16 A Yes, just Mendez.

17 Q And you can't remember any of

18 the jobs that you worked at; correct?

19 A No, I don't remember.

20 Q And you don't remember if you

21 were paid overtime or not; do you?

22 MR. McNAMARA: Objection.

23 A No, but I recall they never paid

24 us overtime hours.

25 Q Never, ever?

1 J. Quintanilla

2 MR. McNAMARA: Objection.

3 A No.

4 Q Do you remember testifying to me  
5 just before that you were paid overtime; one  
6 hour, two hours, every now and then?

7 A Two hours, but if we worked  
8 until -- up to 2:00 p.m. is eight hours. We  
9 would get out at 5:30, 6:00, 6:30. They  
10 didn't pay us all of them.

11 Q Have you ever used a Social  
12 Security number that was not issued to you?

13 MR. McNAMARA: Objection.

14 A No.

15 Q Never?

16 A No.

17 Q Do you remember how much money  
18 you made in 2004?

19 A No, I don't remember.

20 Q Do you know how much money you  
21 made in 2003?

22 A No. I don't remember what I  
23 earned.

24 Q Did you ever get \$25.54 an hour  
25 at Suffolk Paving?

1 J. Quintanilla

2 A How much?

3 Q Twenty-five dollars and  
4 fifty-four cents.

5 A That I earned?

6 Q Yes.

7 A I didn't earn that.

8 Q Did you ever get paid over \$41  
9 an hour at Suffolk Paving?

10 A If it was prevailing wage, yes,  
11 but regular, no.

12 Q So you did?

13 A That's prevailing wage.

14 Q Yes, but I asked you if you ever  
15 did?

16 A Prevailing wage, yes.

17 Q Remember I told you, you have to  
18 listen to the question.

19 Are you able to do that?

20 MR. McNAMARA: Objection.

21 A I don't understand much English.

22 Q That's why it's being  
23 interpreted for you, so don't play cute.  
24 Remember, I said I like you before. Don't  
25 make me rethink that; okay?

1 J. Quintanilla

2 A I'm not changing my mind.

3 Q I might be.

4 A I don't think so.

5 Q You don't think I'm changing my  
6 mind?

7 A Why should I change my mind? I  
8 don't have any reason to change my mind.

9 Q You would only change your mind  
10 if you're lying, so stop changing your mind.

11 MR. McNAMARA: Objection.

12 Q You never looked at your pay  
13 stubs; did you?

14 A I would take them, I would take  
15 the check, and then I would put them away.

16 Q You saved them all; right?

17 A Not all of them. I don't know  
18 if I have all of them, but I have some put  
19 away, but I don't know if they're all put  
20 away.

21 Q What did you eat for lunch  
22 today?

23 A An apple and a Dorito.

24 Q Just one Dorito?

25 A Yes.

1 J. Quintanilla

2 Q One chip?

3 A No, a small bag.

4 Q Was it one of those  
5 hundred-calorie bags?

6 A I didn't have time to have  
7 lunch. I had to go far away and then return.

8 Q What do you usually eat for  
9 lunch?

10 A Sometimes I take chicken, rice,  
11 and salad.

12 Q Arroz con pollo ensalada?

13 A Yes.

14 Q Did you ever eat a sandwich?

15 A No. I just have the sandwich in  
16 the morning.

17 Q When you're working, do you eat  
18 a sandwich?

19 A No.

20 Q Pizza?

21 A No, I don't like it. I don't  
22 like pizza.

23 Q Calzone?

24 A What is that?

25 Q It's dough stuffed with cheese.



1 J. Quintanilla

2 A No.

3 Q Chicken parm hero?

4 A Once in awhile. I like chicken  
5 parmigiana.

6 Q Me too. How about a chicken  
7 hero, chicken cutlet?

8 A That, I don't like. I hardly  
9 ever buy that.

10 Q What do you eat for lunch when  
11 you're working?

12 A That's what I take; chicken and  
13 rice, salad.

14 Q You take it from home?

15 A Yes. Sometimes meat. Sometimes  
16 I take beef stew meat.

17 Q Do you keep it in your hand?

18 A No, I have a lunchbox.

19 Q A lunchbox?

20 A Yes.

21 Q Do you use Tupperware?

22 A A plastic bag.

23 Q Container?

24 A Yes.

25 Q You use Tupperware or

1 J. Quintanilla

2 Rubbermaid?

3 A My woman puts them in there. I  
4 don't know the brand.

5 Q She does a nice job?

6 A Yes.

7 Q She cooks for you?

8 A Yes.

9 Q Do you cook for her?

10 A Once in awhile.

11 Q You barbecue?

12 A Yes, barbecue tortillas. I make  
13 rice. I can cook, as well.

14 Q You make rice? That's easy.

15 A Rice?

16 Q You put it in the pot, and the  
17 oven does everything.

18 A What, the rice?

19 Q Do you use Uncle Ben's?

20 A What?

21 Q What kind of rice do you use;  
22 Uncle Ben's rice?

23 A It's precooked. Canilla. There  
24 are different types; big, small, ten pounds,  
25 fifteen pounds, twenty pounds, whatever you

1 J. Quintanilla

2 want.

3 Q What size do you get?

4 A I buy the big one, the  
5 twenty-five-pound bag. I don't like to buy  
6 often, so I buy the big one.

7 Q You bring a full lunch with you  
8 to work everyday; correct?

9 A My lunch, yes.

10 Q In your lunchbox?

11 A Yes.

12 Q And you'd eat your lunch?

13 A Yes.

14 Q How would you heat it up?

15 A My lunchbox is made of aluminum,  
16 so it doesn't get cold. It stays warm.

17 Q That a good meal; right?

18 A Yes.

19 Q You're getting hungry now;  
20 aren't you?

21 A Yes. Can we go buy lunch?

22 Q I ate all the good ones, but  
23 have a cookie.

24 A No, thank you. I hardly eat  
25 sweets.

1 J. Quintanilla

2 Q Really? You're a husky guy.

3 A But I really don't like it. I  
4 have high blood pressure, so I can't eat  
5 sweets.

6 Q You can eat sweets; you can't  
7 eat salt.

8 A Both things.

9 Q You need to tell that to  
10 Patrick. He's going to have high blood  
11 pressure. Look at his face. A young man,  
12 and he's going to get sick.

13 Every day you'd sit down and you  
14 would eat your lunch with Mendez?

15 A Mendez never takes food. He  
16 would go and buy it.

17 Q What would he buy?

18 A At Hispanic deli. I never  
19 really noticed what he got.

20 Q I thought he likes Dominican  
21 food.

22 A Yes? I don't know if he likes  
23 Dominican food. We only go together from the  
24 yard to the job site, and then we would  
25 return to the job. I only knew what he

1 J. Quintanilla

2 brought in the morning. He would buy coffee.  
3 I never knew what he had bought for lunch.

4 Q But you said he would buy things  
5 from the Hispanic deli.

6 A Yes. If we were near a Hispanic  
7 deli, he would buy from the Hispanic deli,  
8 because we weren't always in places that have  
9 Hispanic delis.

10 Q What would he get at a Spanish  
11 deli; arroz con pollo?

12 A Chicken, rice, and beans.

13 Q Why didn't he just ask you to  
14 bring extra for him?

15 A Because I would take it from my  
16 house.

17 Q He would never ask you to bring  
18 him some lunch?

19 A No, he never told me. I really  
20 don't like food from outside. If I go to  
21 McDonald's, I'll have a chicken sandwich,  
22 nothing else. If I go someplace else to buy  
23 food, I'll buy an egg sandwich in the  
24 morning, but I always take my lunch from  
25 home.

1 J. Quintanilla

2 Q Your kids like McDonald's;  
3 right?

4 A Oh, yeah.

5 Q Chicken McNuggets?

6 A Chicken McNuggets, Happy Meal.

7 Q Happy Meal?

8 A Yes, yes. They wait for me  
9 every Friday because they want to go.

10 Q Would you ever eat McDonald's  
11 when you were at work?

12 A No.

13 Q Would Mendez?

14 MR. McNAMARA: Objection.

15 A I didn't see Mendez buy  
16 McDonald's. I never saw him buy McDonalds.  
17 Mendez liked to go to 7-Eleven.

18 Q What would he get at 7-Eleven?

19 A Coffee, coffee, coffee.

20 Q When you worked with Mendez, the  
21 both of you would take your lunch breaks  
22 together?

23 A Like I said, I would take my  
24 own, and while he went to buy his, I would  
25 eat mine.

1 J. Quintanilla

2 Q You guys wouldn't talk during  
3 lunch?

4 A Yes, just about work.

5 Q You wouldn't talk about sports?

6 A Hardly.

7 Q You don't like sports?

8 A Yes, I like sports.

9 Q Baseball?

10 A No, soccer.

11 Q What's your favorite team?

12 A Real Madrid.

13 Q You like the Cosmos?

14 A No. I don't like any other  
15 sport, just soccer.

16 Q Cosmos play soccer.

17 A Yes?

18 Q They were the New York Cosmos.

19 A I hardly ever saw -- I don't  
20 like the way futbol used to be here in the  
21 United States.

22 Q Why?

23 A Futbol here isn't good. Soccer  
24 here isn't good. There's Italy, England,  
25 Germany, and Spain. Those are ones that I

1 J. Quintanilla

2 see.

3 Q You like David Beckham?

4 A Oh, yes. He's with Madrid, used  
5 to be.

6 Q Did Mendez ever play soccer at  
7 work?

8 A No. It was only the two of us,  
9 so we didn't play soccer.

10 Q But you would eat lunch  
11 together, and you would talk about work;  
12 right?

13 A If he would come back and I was  
14 still eating, then, yes, but usually, when he  
15 would come back, I would have already  
16 finished. It was unusual. If where he went  
17 to buy food was nearby, then he would come  
18 while I was still eating.

19 Q Sometimes it would take him a  
20 little bit longer; right?

21 A When he went to go buy food a  
22 little further away, yes.

23 Q Twenty minutes, half-an-hour?

24 A Maybe twenty-five, twenty.

25 Q Maybe sometimes a little more,



1 J. Quintanilla

2 and sometimes a little less?

3 A I never really looked at the  
4 time.

5 Q How would you know when you  
6 didn't have work on a particular day?

7 A On any day? The company -- we  
8 would always come to the yard, whether it  
9 rained or not, and they would tell us.

10 Q You never gave them your  
11 telephone number and said, "just call me"?

12 A What, Mendez?

13 Q You.

14 A To him? No, since we would see  
15 each other every day at work. We would see  
16 each other every day at work.

17 (Document consisting of a copy  
18 of Mr. Quintanilla's pay stub from Opal  
19 was marked as Defendants' Exhibit  
20 Number 4 for identification, as of this  
21 date.)

22 Q I'm going to show you a document  
23 called Defendants' Exhibit 4 with today's  
24 date. (Handing.) Take a look at that,  
25 please.

1 J. Quintanilla

2 A (Witness complies.) It's the  
3 same thing. It's a copy of that you made.

4 Q Copy of what?

5 A This is the same as the copy.

6 Q Right. It's a copy of what; a  
7 check?

8 A Of a check stub.

9 Q Right. For what employer?

10 A Oh, this is for Opal.

11 Q How come you didn't tell me you  
12 worked at Opal before?

13 A I don't remember having worked  
14 there. I worked there for a few days.

15 Q So you worked there, but you  
16 don't remember working there?

17 A Yes. No, I don't remember that  
18 I worked there. I didn't remember. How can  
19 I remember every place that I worked?

20 Q You're only supposed to remember  
21 at your deposition.

22 A Yes, of course, but I'm sorry  
23 that I forgot.

24 Q Did you forget?

25 A Yes, really.

1 J. Quintanilla

2 Q Or were you trying to hide it  
3 from me?

4 MR. McNAMARA: Objection.

5 A No, no, that wasn't my  
6 intention.

7 Q I hope not, because then I'll  
8 get upset with you.

9 A I didn't mean to lie.

10 Q I don't like when you lie, so  
11 don't do it anymore; okay?

12 A Okay.

13 Q You promise not to do it  
14 anymore?

15 A Okay.

16 Q Do you want to say that you're  
17 sorry to me for doing it?

18 MR. McNAMARA: Objection.

19 A Yes, that's why I said I'm  
20 sorry.

21 Q Okay. I accept your apology.

22 (Document consisting of a copy  
23 of Mr. Quintanilla's check stubs from  
24 Suffolk Paving was marked as  
25 Defendants' Exhibit Number 5 for

1 J. Quintanilla

2 identification, as of this date.)

3 Q I'm showing you Defendants'  
4 Exhibit 5. (Handing.) Take a look at that,  
5 please.

6 A (Witness complies.) Do you want  
7 me to look at the check stubs one by one?

8 Q No, you don't have to. It's a  
9 copy; correct?

10 A Okay. Yes.

11 Q What is Exhibit 5?

12 A These (indicating) are the check  
13 stubs, and these (indicating) are the copies.

14 Q Right. Check stubs for who?

15 A Suffolk Paving. These are the  
16 check stubs from the checks.

17 Q All of the check stubs that you  
18 received?

19 A I don't think I have them all  
20 here. These are the ones that I had and that  
21 I could find, because I went home to get them  
22 in a hurry.

23 Q Those are the check stubs that  
24 you received with your checks; correct?

25 A Yes.

1 J. Quintanilla

2 Q Those check stubs list all your  
3 hours worked; correct?

4 A Yes.

5 (Document consisting of copies  
6 of Mr. Quintanilla's check stubs from  
7 Lindley Brothers was marked as  
8 Defendants' Exhibit Number 6 for  
9 identification, as of this date.)

10 Q I'm going to show you a stack of  
11 documents I've identified as Defendants'  
12 Exhibit 6. (Handing.)

13 A They're copies of check stubs.

14 Q What check stubs?

15 A From Lindley Brothers.

16 Q They're your check stubs; right?

17 A Yes, these are mine.

18 Q How come I don't see any pay  
19 stubs from Pioneer?

20 A Oh, I have them in the car. If  
21 you want them -- you only told me to bring  
22 these (indicating).

23 Q Go get them.

24 A Okay. If you would have told me  
25 to bring the Pioneer ones, I would have

1 J. Quintanilla

2 brought them.

3 Q I thought I did before, but it's  
4 really Patrick's fault.

5 A You only asked me if I worked  
6 there, but you didn't tell me to bring them.

7 Q It's Patrick's fault.

8 A I'll bring them right now.

9 MR. McNAMARA: Thank you, sir.

10 THE WITNESS: No problem.

11 (Whereupon, a recess was taken  
12 from 3:39 p.m. to 3:47 p.m.)

13 Q I asked you if Lou was good to  
14 you; right?

15 A Yes.

16 Q He was good to you; fair, right?

17 A Yes, we never had any problems.

18 Q Fair and honest with you; right?

19 A Yes.

20 Q Never lied to you; right?

21 A No.

22 (Document consisting of a copies  
23 of Mr. Quintanilla's pay stubs from  
24 Pioneer was marked as Defendants'  
25 Exhibit Number 7 for identification, as

1 J. Quintanilla

2 of this date.)

3 Q I'm going to show you some  
4 documents that have been identified as  
5 Defendants' Exhibit 7. (Handing.) Take a  
6 look at those, please.

7 A (Witness complies.)

8 Q Do you know what that is?

9 A Check stubs from when I worked  
10 at Pioneer.

11 Q And they're all accurate; right?

12 A Yes.

13 Q Are these all of the pay stubs  
14 from when you worked at Pioneer?

15 A I don't think so. These are the  
16 ones that I was able to get easily.

17 Q Where are the rest of them?

18 A I have them put away, but I  
19 don't know where they are. I have so many  
20 things.

21 Q You lost them?

22 MR. McNAMARA: Objection.

23 A I don't think so. They should  
24 be at home.

25 Q You didn't destroy them, did

1 J. Quintanilla

2 you?

3 MR. McNAMARA: Objection.

4 A No, I don't think so. I don't  
5 destroy things. I put everything away.

6 (Document consisting of a copy  
7 of Mr. Quintanilla's W-2 from Pioneer  
8 was marked as Defendants' Exhibit  
9 Number 8 for identification, as of this  
10 date.)

11 Q I'm going to ask you to take a  
12 look at this document.

13 A (Witness complies.) Yes.

14 Q Do you know what that is?

15 A Yes. These are what they call  
16 the W-2 for the taxes.

17 Q They're not tax returns, though;  
18 right?

19 A This is what they would give me  
20 for me to do my taxes.

21 Q This shows that you worked for  
22 Pioneer in 2005; correct?

23 A Yes.

24 Q Remember you told me you worked  
25 for Suffolk Paving in 2005?



1 J. Quintanilla

2 A Yes, because when I left Suffolk  
3 in 2005, I went to Pioneer.

4 Q When did you leave Suffolk  
5 in 2005?

6 A Suffolk, May 5, 2005.

7 Q Cinco de Mayo? Do you celebrate  
8 Cinco de Mayo?

9 A No, that's the Mexicans.

10 Q I celebrate it, and I'm not  
11 Mexican.

12 A I really don't like to drink  
13 anything.

14 Q I thought you were going to say  
15 you really don't like Mexicans.

16 A It's not that I don't like them,  
17 but I don't like to mix with their  
18 celebration because then they would say, what  
19 are you doing here? You're an  
20 El Salvadorian, and we're celebrating our own  
21 holiday.

22 Q That's not nice.

23 A Yes, but I like to respect  
24 everyone's decision.

25 Q You want to respect my decision?

1 J. Quintanilla

2 A Of course, I do, yes.

3 Q Good. I'd like for you to drop  
4 this lawsuit.

5 MR. McNAMARA: Objection.

6 Q Will you respect my decision?

7 MR. McNAMARA: Objection.

8 A Yes, I have to respect your  
9 decision.

10 Q So you're going to drop the  
11 lawsuit; right?

12 MR. McNAMARA: Objection.

13 A I don't think so.

14 Q No? So you're not respecting my  
15 decision?

16 A We're here talking.

17 (Document consisting of a copy  
18 of Mr. Quintanilla's W-2s from Lindley  
19 Brothers for the years 2007, 2008,  
20 2009, and 2010 was marked as  
21 Defendants' Exhibit Number 9 for  
22 identification, as of this date.)

23 Q I'm going to show you another  
24 set of documents. I've identified them as  
25 Defendants' Exhibit 9 with today's date.

1 J. Quintanilla

2 Do you know what these documents  
3 are?

4 A (Perusing.) Yes. This is the  
5 tax form from Lindley Brothers.

6 Q For what years?

7 A 2007, 2008, and 2010 and 2009.

8 Q Thank you.

9 Why did you leave Pioneer  
10 in 2006?

11 A Because I asked them for more --  
12 for a raise and they didn't want to give it  
13 to me, and then when I went to Pioneer, they  
14 gave me more money.

15 Q No. Why did you leave Pioneer?

16 A Oh, excuse me. I didn't  
17 understand. The work slowed down a lot, and  
18 since I was one of the newer ones, they  
19 didn't include me.

20 Q They laid you off?

21 A Yes. They didn't fire me, but  
22 they kept telling me that there was no work,  
23 and I had my family, so I had to find work.

24 Q And Lindley Brothers is good to  
25 you?

1 J. Quintanilla

2 A Yes, they're good.

3 Q As good as Suffolk Paving?

4 A Yes, the same.

5 Q Just as good?

6 A Yes. Wherever I've gone,  
7 they've treated me well. I have no  
8 complaints about that.

9 Q So at Suffolk Paving they  
10 treated you well, and you have no complaints  
11 about them; correct?

12 A Yes.

13 (Document consisting of a copy  
14 of Mr. Quintanilla's W-2 from Suffolk  
15 Paving was marked as Defendants'  
16 Exhibit Number 10 for identification,  
17 as of this date.)

18 Q I'm going to show you a document  
19 marked as Defendants' Exhibit 10. (Hanging.)

20 A (Perusing.) Yes, this is the  
21 Suffolk form. This is the -- what is it  
22 called? The W-2.

23 Q Correct.

24 Is that true and accurate?

25 A Yes.

1 J. Quintanilla

2 Q This represents all the pay you  
3 received for all the hours you worked;  
4 correct?

5 A Yes.

6 Q And it's accurate?

7 A Yes.

8 Q You never received any other  
9 money that you didn't report on your income  
10 tax returns; right?

11 A No, no. I've never received  
12 more than I declare.

13 Q You always file tax returns?

14 A Yes, always.

15 Q Going back to what year?

16 A I don't recall the year that I  
17 started. I don't have the exact day. I  
18 can't really tell you what date because I  
19 don't remember.

20 Q You provided your lawyer with a  
21 little slip of paper?

22 A I copied that from the medicine  
23 I have.

24 Q So the name is Metoprolol?

25 A Yes, that's what it says on the

1 J. Quintanilla

2 bottle.

3 MR. ZABELL:

4 M-E-T-O-P-R-O-L-O-L.

5 Q Do you like working with Mendez?

6 A Yes.

7 Q He was all right?

8 A Yes.

9 Q Was he always honest with you?

10 A Yes, we never -- he was always  
11 honest. I always respected him as a boss.

12 Q If he answered a question one  
13 way and you answer the question a different  
14 way, who should we believe; you or him?

15 MR. McNAMARA: Objection.

16 A If I'm not saying something  
17 correctly, and I never say anything, that's  
18 not true.

19 Q So we should believe you?

20 A So I don't know if you should  
21 believe him or me.

22 Q So we should believe you because  
23 you don't lie?

24 A I don't lie.

25 Q So we should believe you; right?

1 J. Quintanilla

2 A Yes.

3 Q Okay. I agree with you.

4 We talked about you getting a  
5 paycheck every week; correct?

6 MR. McNAMARA: Objection.

7 A Yes.

8 Q Was there ever a week that you  
9 didn't get a paycheck?

10 A No, there was not even one.

11 Q So every week you got a check?

12 A Yes, always. I always worked  
13 the week, and we got a check.

14 Q And in that check would be your  
15 pay stub; correct?

16 A Yes.

17 Q Those pay stubs would reflect  
18 all the hours you worked; correct?

19 A Yes.

20 Q You got that every week;  
21 correct?

22 A Yes.

23 Q When you worked on prevailing  
24 wage jobs, you got paid more; correct?

25 A Yes.

1 J. Quintanilla

2 Q You got paid the prevailing  
3 wage?

4 A Yes, they would pay us  
5 prevailing wage, and they paid us more.

6 Q Every now and then, you got some  
7 overtime; correct?

8 A I worked them, yes, almost every  
9 day, every day.

10 Q And you got paid in your  
11 paycheck some overtime pay; correct?

12 A Sometimes.

13 Q Right. Sometimes your checks  
14 would show that you got overtime and  
15 sometimes they wouldn't?

16 A Like I said, I never looked at  
17 the stubs.

18 Q But sometimes you'd get more in  
19 your paycheck, and sometimes you'd get less;  
20 right?

21 A (No verbal response.)

22 Q Yes or no?

23 A Almost always it was the hours  
24 that we worked, because he would never tell  
25 me that he paid me by the hour but the day.



1 J. Quintanilla

2 I didn't check to see whether he paid me by  
3 the hour.

4 Q Sometimes your check would be  
5 more, and sometimes it would be less;  
6 correct?

7 MR. McNAMARA: Objection.

8 A When we worked prevailing wage,  
9 it was more.

10 Q And when you worked more hours,  
11 it would be more too; correct?

12 MR. McNAMARA: Objection.

13 A It was --

14 Q Right; yes or no?

15 A Not always.

16 Q Sometimes it would be more when  
17 you worked more; right?

18 A Yes, it was more sometimes.

19 Q Sometimes it would be less?

20 A Yes.

21 Q Sometimes it would be less when  
22 you didn't work because of rain; correct?

23 A When it rained, it was less.

24 Q And at the end of the season, if  
25 it was cold out, you wouldn't work; correct?

1 J. Quintanilla

2 A Yes. There was always -- from  
3 mid-December, we were all off. Only the ones  
4 that could drive would go to clean snow.

5 Q And sometimes even in November,  
6 it would snow; right?

7 MR. McNAMARA: Objection.

8 A Yes, but sometimes it would snow  
9 and it would stay there, and we would go  
10 again.

11 Q You would go where again? You  
12 would have to come back?

13 A Where?

14 Q To the job, if there was snow.

15 A What I understood -- what I  
16 thought you were saying was if it snowed in  
17 November, we wouldn't work, but we always  
18 stopped in December. If the snow melted  
19 before then, we would have to go back.

20 Q Right. So you would slow down  
21 in November; right?

22 A Yes, it was lighter.

23 Q You would work less days or less  
24 hours?

25 A Yes, we worked less hours.

1 J. Quintanilla

2 Q Really? In October it would  
3 start to slow down; right?

4 MR. McNAMARA: Objection.

5 A No, not really in October.

6 Q Like today?

7 A It's supposed to rain, but in  
8 October, it's hardly ever cold.

9 Q You're suing with a group of  
10 guys; aren't you?

11 A Yes.

12 Q Who is the group leader?

13 MR. McNAMARA: Objection.

14 A There is no leader.

15 Q Who organizes everything?

16 A There is no leader. All of us  
17 together. There's no leader.

18 Q No leader?

19 A No.

20 Q Did you speak to any of the guys  
21 in your group about this lawsuit?

22 A If we spoke?

23 Q Yes.

24 A Yes, in the beginning.

25 Q And you all made sure that your

1 J. Quintanilla

2 stories were on the same page; right?

3 MR. McNAMARA: Objection.

4 A Yes.

5 Q You all spoke together to make  
6 sure you all said the same thing; right?

7 MR. McNAMARA: Objection.

8 Q Right?

9 A What we were going to say here?

10 Q Yes.

11 A We didn't speak about what we  
12 were going to speak about here.

13 Q But you all wanted to make sure  
14 that you all had the same story; correct?

15 A Of course.

16 Q Right. How much are you suing  
17 for?

18 A I don't know. I have no idea.

19 Q You have no idea at all?

20 A No.

21 Q If I asked you to figure it out,  
22 would you be able to figure it out?

23 MR. McNAMARA: Objection.

24 A No, I don't think so. I'm not  
25 good in mathematics.

1 J. Quintanilla

2 Q Did your lawyers tell you how  
3 much you're suing for?

4 MR. McNAMARA: Objection.

5 A He hasn't told me.

6 Q Do you have an idea in your head  
7 of how much you want?

8 A No.

9 Q You're just suing. You don't  
10 know for how much or really why; right?

11 MR. McNAMARA: Objection.

12 Q Correct?

13 A Yes.

14 Q And you are suing a man that was  
15 fair to you; correct?

16 A Yes, he was fair.

17 Q And you're suing him; correct?

18 A Yes.

19 Q Do you think that's right; yes  
20 or no?

21 MR. McNAMARA: Objection.

22 A He didn't pay us the overtime.

23 Q But you already testified that  
24 you got overtime, correct; didn't you testify  
25 to that?

1 J. Quintanilla

2 A Sometimes. Two hours.

3 Sometimes. I said two hours.

4 Q When you worked overtime, you  
5 got paid?

6 A We always worked more than that.  
7 We always worked more. It was not only two  
8 hours of overtime.

9 Q And you think overtime gets  
10 calculated based upon the day or the week?

11 MR. McNAMARA: Objection.

12 A It depends.

13 Q What does it depend on?

14 A If sometimes we get out earlier  
15 one day, I can't really say if you calculate  
16 it on that day, but we do it on the week.

17 Q So you earn overtime after how  
18 many hours of work in a week?

19 A Five hours, four hours per week.

20 Q Do you want to get paid for the  
21 time that you ate lunch?

22 MR. McNAMARA: Objection.

23 A No, because lunch is lunch. We  
24 had to eat. You're asking if they paid for  
25 lunch?

1 J. Quintanilla

2 Q Yes.

3 A No, I didn't understand.

4 Q Did you want to get paid for  
5 your lunch break?

6 A No, because they can't pay that  
7 because it's lunch hour. It's always a half  
8 hour, but we never stopped a half hour.  
9 Maybe ten or fifteen minutes, but no more.

10 Q Don't lie.

11 A If I'm working with Mendez --  
12 I'm going to explain. He would go and buy  
13 food. He would go twenty minutes,  
14 twenty-five, and I would stay at the  
15 worksite. If he didn't come and I would  
16 finish eating, I would continue working.

17 Q And if he did, you would eat  
18 with him?

19 A Yes. When he got there in time  
20 and I was eating, we would eat together.

21 Q And you want to get paid for  
22 that time; right?

23 MR. McNAMARA: Objection.

24 A Paid for lunch?

25 Q Yes.

1 J. Quintanilla

2 A If -- we're supposed to stop to  
3 eat lunch.

4 Q No. Do you want to get paid for  
5 your lunchtime; si or no?

6 MR. McNAMARA: Objection.

7 A I don't know.

8 Q So what about the time you would  
9 take to get your egg sandwich in the morning  
10 without mayonnaise?

11 A But after we did everything that  
12 we had to do in the yard, like I said before,  
13 we would stop at the deli and buy, and we  
14 would eat it on the way to work.

15 Q So you want to be paid for the  
16 time that you ate your breakfast, you ordered  
17 your breakfast, and you waited for your  
18 breakfast at the deli; correct?

19 MR. McNAMARA: Objection.

20 A Yes.

21 Q You want to get paid for that?

22 A Yes.

23 Q Do you want to get paid for the  
24 time that you go grocery shopping on the  
25 weekend?



1 J. Quintanilla

2 MR. McNAMARA: Objection.

3 A No, not for that. I do my own  
4 shopping with what I earn during the week.  
5 No one is supposed to pay me for that.

6 Q But you also do your own  
7 shopping at the deli in the morning for your  
8 egg sandwich; right?

9 A Yes, always.

10 Q And you want to be paid for that  
11 though, right; \$16 an hour, \$18 an hour, \$36  
12 an hour?

13 A Yes, if it's prevailing wage.

14 Q \$41 an hour?

15 A If it's prevailing wage.

16 Q Is buying an egg sandwich ever  
17 prevailing wage?

18 A No, that's not prevailing wage.

19 Q Do you remember any of the  
20 prevailing wage jobs you worked on?

21 A No, I don't remember.

22 Q You have no reason to think that  
23 Lou lied about the jobs that you worked on;  
24 correct?

25 A I don't know.

1 J. Quintanilla

2 Q He never lied to you; right?

3 A Not me. Not to me.

4 Q You have no reason to think that  
5 he ever lied to you; correct?

6 A I wouldn't speak to him. Mendez  
7 would speak to him because I don't speak  
8 English. He would speak to only Mendez.

9 Q He never spoke to you?

10 A No, I didn't speak English.

11 Q A little bit?

12 A Today, I do. Now I speak a  
13 little bit.

14 Q Is there anything else you'd  
15 like to tell me?

16 A I don't know.

17 Q What do you mean you don't know?  
18 Either you know or you don't.

19 A If you ask me, I'll respond.

20 Q Why don't we take a break?

21 MR. McNAMARA: A break?

22 MR. ZABELL: Yes, Patrick, a  
23 break.

24 (Whereupon, a recess was taken  
25 from 4:11 p.m. to 4:23 p.m.)

1 J. Quintanilla

2 Q Do you know you're suing  
3 Lou Vecchia's wife?

4 A Yes.

5 Q Do you think that's very nice?  
6 MR. McNAMARA: Objection.

7 A I don't know if it's nice or  
8 not.

9 Q Is he suing your wife?

10 A No.

11 Q You know you're suing his boy?

12 A Yes.

13 Q You never worked for his boy?

14 A Not when I was there, but at  
15 that time, no one knew if he was the owner or  
16 not.

17 Q But you never worked for him, so  
18 why is this an issue?

19 A I don't know.

20 Q Doesn't seem fair; right?

21 A I don't know if it's fair or  
22 not.

23 Q Here's a man who treated you  
24 fairly.

25 A Yes, he would treat everyone

1 J. Quintanilla

2 well.

3 Q And he paid you every week;  
4 correct?

5 A He paid us every week.

6 Q And he gave you raises every  
7 year?

8 A Yes.

9 Q This is how you repay him, you  
10 sue him; right?

11 A Yes, but he didn't pay the  
12 overtime.

13 Q You sue his wife; right?

14 MR. McNAMARA: Objection.

15 A I don't know if the wife or the  
16 son are owners. When I worked there, I never  
17 dealt with the son or the wife. I didn't  
18 speak English, so the one who dealt with them  
19 was Mendez.

20 Q And you're suing his boy; right?

21 A I don't know if he's an owner  
22 now or not. Like I already said, when I was  
23 there, I knew that Louie was the one who was  
24 the owner. I left in 2005.

25 Q And you had no reason to think

1 J. Quintanilla

2 that his son was your boss; right?

3 A When I was there, I never worked  
4 with Chris.

5 Q And you had no reason to believe  
6 that his wife was your boss; right?

7 MR. McNAMARA: Objection.

8 A I don't know because, like I  
9 already said, Louis dealt with Mendez, and  
10 Mendez was the one to tell me what we had to  
11 do about work.

12 Q Did you ever go into the shop at  
13 work inside?

14 A The shop where they fix the  
15 trucks?

16 Q Yes.

17 A No, I hardly ever went in there.  
18 I would go in -- we would go into -- Mendez  
19 would say wait there. I didn't even go into  
20 the office. When they would give Mendez the  
21 papers saying where to work, Mendez would  
22 say, let's load what we need; Belgian blocks,  
23 sand, cement, but I never went into the shop.

24 Q And you were only at the shop  
25 for five or ten minutes a day; right?

1 J. Quintanilla

2 MR. McNAMARA: Objection.

3 A The shop, no -- the shop, yes.  
4 We would be there about five minutes so that  
5 they could give us the schedule of the jobs  
6 and then we'd leave.

7 Q So you just went there to get  
8 the schedule and go; right?

9 A Yes.

10 Q But you had a telephone, so they  
11 could have given you the schedule by  
12 telephone; right?

13 MR. McNAMARA: Objection.

14 A But it was our obligation to go  
15 to the yard.

16 Q And that was because Mendez told  
17 you that; right?

18 A Yes, Mendez would tell me to go  
19 there because he would go the yard too.

20 Q Is there anything else you'd  
21 like to tell me?

22 A I don't have anything else to  
23 say.

24 Q Did your lawyers tell you that  
25 there's been a settlement offer made here?

1 J. Quintanilla

2 MR. McNAMARA: Objection.

3 A To me?

4 Q To everybody.

5 A I guess so, that's why...

6 Q That's why what?

7 A Excuse me? I don't -- what did  
8 you mean by that?

9 Q That Louis Vecchia made a  
10 settlement offer. Did anybody ever explain  
11 that to you?

12 A I don't have any communication  
13 with them.

14 MR. McNAMARA: Objection. The  
15 witness doesn't have to answer that.

16 MR. ZABELL: Sure, he does.

17 MR. McNAMARA: No, he doesn't.

18 Q Did anybody ever tell you that a  
19 settlement offer has been made to you?

20 MR. McNAMARA: That's  
21 attorney/client --

22 MR. ZABELL: I'm not asking if  
23 it's attorney/client. I'm asking  
24 anyone.

25 MR. McNAMARA: You can't just

1 J. Quintanilla

2 add on "anyone."

3 MR. ZABELL: Yes, you can.

4 A I -- supposedly the attorney  
5 said that, but I don't know.

6 Q Did anybody ever say that to  
7 you?

8 MR. McNAMARA: Objection.

9 Q Yes or no?

10 MR. McNAMARA: Objection. He  
11 doesn't have to answer that.

12 MR. ZABELL: Yes, he does.

13 MR. McNAMARA: No, he does not.

14 Q Answer it.

15 A I don't recall.

16 Q You don't recall?

17 A No.

18 Q Don't you think if a settlement  
19 offer was made, that somebody should have  
20 communicated that to you?

21 MR. McNAMARA: Objection.

22 A They're supposed to do it.

23 Q Yes. That's the responsible  
24 thing; right?

25 A Yes.



1 J. Quintanilla

2 Q Do you have a cellphone number?

3 A Yes.

4 Q May I have it?

5 A (516) 808-7693.

6 Q For how long have you had that  
7 number?

8 A I've had it for a long time.

9 Q Can you tell me all the reasons  
10 why you think you're suing Suffolk Paving?

11 MR. McNAMARA: Objection.

12 A For the hours of overtime that  
13 they didn't pay us.

14 Q Us or you?

15 MR. McNAMARA: Objection.

16 A Me.

17 Q Even though your pay stubs show  
18 that you got paid overtime; right?

19 MR. McNAMARA: Objection.

20 Q Yes or no?

21 A I don't know. I didn't really  
22 look at the stubs.

23 Q You've had them for years, and  
24 you never looked at them?

25 A Like I said, I would just put

1 J. Quintanilla

2 them away.

3 Q What if some of them showed you  
4 received lots of overtime?

5 A I don't know.

6 MR. ZABELL: Okay. Thank you  
7 for your time today, sir.

8 THE WITNESS: Okay.

9 MR. ZABELL: Perhaps next time  
10 we meet, we'll meet under nicer  
11 circumstances.

12 THE WITNESS: Okay. Thank you.

13 MR. ZABELL: Goodbye.

14 (Time noted: 4:31 p.m.)

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A C K N O W L E D G E M E N T

STATE OF NEW YORK )

: ss

COUNTY OF )

I, JAVIER QUINTANILLA, hereby certify  
that I have read the transcript of my  
testimony taken under oath in my deposition  
of October 3, 2011; that the transcript is a true,  
complete and correct record of my testimony;  
and that the answers on the record as given  
by me are true and correct.

-----  
JAVIER QUINTANILLA

Signed and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2011.

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Notary Public, State of New York

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C E R T I F I C A T E

I, KAREN M. LaMENDOLA, a Notary Public  
in and for the State of New York, do hereby certify:

THAT the witness whose testimony is  
hereinbefore set forth, was duly sworn by me;  
and

THAT the within transcript is a true  
record of the testimony given by said  
witness.

I further certify that I am not  
related, either by blood or marriage, to any  
of the parties in this action; and

THAT I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 4th day of November, 2011.

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KAREN M. LaMENDOLA

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